ico.

Information Commissioner's Office

Consultation: Age appropriate design code

Introduction

The Information Commissioner is seeking feedback on her draft code of practice Age appropriate design: a code of practice for online services likely to be accessed by children (the code).

The code will provide guidance on the design standards that the Commissioner will expect providers of online 'Information Society Services' (ISS), which process personal data and are likely to be accessed by children, to meet.

The code is now out for public consultation and will remain open until 31 May 2019. The Information Commissioner welcomes feedback on the specific questions set out below.

For this consultation, we will publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public or a parent). All responses from organisations and individuals responding in a professional capacity (e.g. academics, child development experts, sole traders, child minders, education professionals) will be published. We will remove email addresses and telephone numbers from these responses but apart from this, we will publish them in full.

For more information about what we do with personal data please see our privacy notice.

Please note, we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. You can read their Privacy Policy here.

Section 1: Your views on the code

Q1

Is the 'About this code' section clearly communicated?

- ☑ Yes
- ◯ No

Q1a

If no, then please provide your reasons for this view.

Q2

Is the 'Services covered by this code' section clearly communicated?

- ☑ Yes
- ◯ No

Q2a

If no, then please provide your reasons for this view.

Section 2: Your views on the draft standards

There are 16 draft standards in the code. You can comment on all the drafts standards, or focus on a single standard. If you do not want to answer questions on a standard please press skip.

The standards are:

1) Best interests of the child
2) Age Appropriate Application
3) Transparency
4) Detrimental use of data
5) Policies and community standards
6) Default settings
7) Data minimisation
8) Data sharing
9) Geolocation
10) Parental Controls
11) Profiling
12) Nudge techniques
13) Connected toys and devices
14) Online tools
15) Data protection impact assessments
16) Governance and accountability

Best interests of the child: The best interests of the child should be a primary consideration when you design and develop online services likely to be accessed by a child.

Q3 ◯ I would like to comment on this standard
    ✓ Skip

Q4

Have we communicated our expectations for this standard clearly?

○ Yes

○ No

If no, then please give reasons for your answer.

Q4a

Q5

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

○ Yes

○ No

If yes, then please give reasons for your answer.

Q5a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q6

○ Yes

○ No

If yes, then please give reasons for your answer.

Q6a

Do you envisage any feasibility challenges to online services delivering this standard?

Q7

○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q7a

Q8

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

○ Yes

○ No

Q8a

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q9

Do you know of any online resources that you think could be usefully linked to from this section of the code?

○ Yes

○ No

Q9a

If yes, then please provide details (including links).

Q10

Age-appropriate application: Consider the age range of your audience and the needs of children of different ages. Apply the standards in this code to all users, unless you have robust age-verification mechanisms to distinguish adults from children.

◉ I would like to comment on this standard

○ Skip

Have we communicated our expectations for this standard clearly?

Q11 ⊘ Yes

○ No

If no, then please give reasons for your answer.

Q11a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q12 ○ Yes

⊘ No

If yes, then please give reasons for your answer.

Q12a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q13 ☑ Yes
    ○ No

If yes, then please give reasons for your answer.

Q13a Our application is intended for use by older adults and facilitates their accessing community transport in areas that are poorly served by public transport. Many of these users are reluctant to engage with technology and introducing additional requirements on them to verify their age is likely to represent a significant barrier to use of the application. In the process of trying to protect one (very important) sector (i.e. children), there is a significant risk of deterring use of technology that can lead to a significant improvement in the quality of life and wellbeing of another sector (elderly and socially isolated adults). Children are remarkably adept at circumventing checks and controls whereas less technically 'savvy' adults are likely to be deterred by even relatively simple checks.

Do you envisage any feasibility challenges to online services delivering this standard?

Q14 ☑ Yes
    ○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q14a With no scheme currently in place that I am aware of to certify which providers can be trusted, third-party age verification technologies may lead to fakes and scams, putting people's personal data at risk. Some larger businesses are likely to seek to offer single-sign-in across a wide variety of online services, which could lead to intrusive commercial tracking of children and adults and potentially devastating personal impacts in the event of a data breach.

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q15 ⊘ Yes
     ○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q15a For small organisations, 3 months represents a very short time window within which to understand the requirements, design and implement suitable checks and controls.

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q16 ○ Yes
     ⊘ No

If yes, then please provide details (including links).

Q16a

Transparency: The privacy information you provide to users, and other published terms, policies and community standards, must be concise, prominent and in clear language suited to the age of the child. Provide additional specific 'bite-sized' explanations about how you use personal data at the point that use is activated.

Q17 ○ I would like to respond to this standard
     ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q18 ○ Yes
     ○ No

If no, then please give reasons for your answer.

Q18a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q19 ○ Yes
     ○ No

If yes, then please give reasons for your answer.

Q19a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q20　○ Yes

　　　○ No

If yes, then please give reasons for your answer.

Q20a

Do you envisage any feasibility challenges to online services delivering this standard?

Q21　○ Yes

　　　○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q21a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q22 ○ Yes
○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q22a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q23 ○ Yes
○ No

If yes, then please provide details (including links).

Q23a

Detrimental use of data: Do not use children's personal data in ways that have been shown to be detrimental to their wellbeing, or that go against industry codes of practice, other regulatory provisions or Government advice.

Q24 ○ I would like to respond to this standard
⊘ Skip

Have we communicated our expectations for this standard clearly?

Q25   ◯ Yes
       ◯ No

If no, then please give reasons for your answer.

Q25a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q26   ◯ Yes
       ◯ No

If yes, then please give reasons for your answer.

Q26a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q27　　○ Yes

　　　　○ No

If yes, then please give reasons for your answer.

Q27a

Do you envisage any feasibility challenges to online services delivering this standard?

Q28　　○ Yes

　　　　○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q28a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q29 ◯ Yes
     ◯ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q29a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q30 ◯ Yes
     ◯ No

If yes, then please provide details (including links).

Q30a

Policies and community standards: Uphold your own published terms, policies and community standards (including but not limited to privacy policies, age restriction, behaviour rules and content policies).

Q31 ◯ I would like to respond to this standard
     ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q32 ○ Yes
     ○ No

If no, then please give reasons for your answer.

Q32a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q33 ○ Yes
     ○ No

If yes, then please give reasons for your answer.

Q33a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q34 ◯ Yes

◯ No

If yes, then please give reasons for your answer.

Q34a

Do you envisage any feasibility challenges to online services delivering this standard?

Q35 ◯ Yes

◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q35a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q36 ○ Yes
     ○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q36a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q37 ○ Yes
     ○ No

If yes, then please provide details (including links).

Q37a

Default settings: Settings must be 'high privacy' by default (unless you can demonstrate a compelling reason for a different default setting, taking account of the best interests of the child).

Q38 ○ I would like to respond to this standard
     ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q39 ○ Yes

○ No

If no, then please give reasons for your answer.

Q39a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q40 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q40a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q41 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q41a

Do you envisage any feasibility challenges to online services delivering this standard?

Q42 ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q42a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q43   ◯ Yes

      ◯ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q43a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q44   ◯ Yes

      ◯ No

If yes, then please provide details (including links).

Q44a

Data minimisation: Collect and retain only the minimum amount of personal data you need to provide the elements of your service in which a child is actively and knowingly engaged. Give children separate choices over which elements they wish to activate.

Q45   ◯ I would like to respond to this standard

      ✓ Skip

Have we communicated our expectations for this standard clearly?

Q46 ◯ Yes
     ◯ No

If no, then please give reasons for your answer.

Q46a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q47 ◯ Yes
     ◯ No

If yes, then please give reasons for your answer.

Q47a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q48　○ Yes

○ No

If yes, then please give reasons for your answer.

Q48a

Do you envisage any feasibility challenges to online services delivering this standard?

Q49　○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q49a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q50   ○ Yes
       ○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q50a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q51   ○ Yes
       ○ No

If yes, then please provide details (including links).

Q51a

Data sharing: Do not disclose children's data unless you can demonstrate a compelling reason to do so, taking account of the best interests of the child.

Q52   ○ I would like to respond to this standard
       ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q53 ○ Yes
○ No

If no, then please give reasons for your answer.

Q53a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q54 ○ Yes
○ No

If yes, then please give reasons for your answer.

Q54a

Q55   Do you think this standard gives rise to any unwarranted or unintended consequences?

○ Yes

○ No

Q55a   If yes, then please give reasons for your answer.

Q56   Do you envisage any feasibility challenges to online services delivering this standard?

○ Yes

○ No

Q56a   If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q57 ○ Yes
     ○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q57a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q58 ○ Yes
     ○ No

If yes, then please provide details (including links).

Q58a

Geolocation: Switch geolocation options off by default (unless you can demonstrate a compelling reason for geolocation, taking account of the best interests of the child), and provide an obvious sign for children when location tracking is active. Options which make a child's location visible to others must default back to off at the end of each session.

Q59 ○ I would like to respond to this standard
     ⊘ Skip

Have we communicated our expectations for this standard clearly?

Q60   ○ Yes

○ No

If no, then please give reasons for your answer.

Q60a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q61   ○ Yes

○ No

If yes, then please give reasons for your answer.

Q61a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q62 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q62a

Do you envisage any feasibility challenges to online services delivering this standard?

Q63 ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q63a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q64 ◯ Yes

◯ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q64a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q65 ◯ Yes

◯ No

If yes, then please provide details (including links).

Q65a

Parental controls: If you provide parental controls give the child age appropriate information about this. If your online service allows a parent or carer to monitor their child's online activity or track their location, provide an obvious sign to the child when they are being monitored.

Q66 ◯ I would like to respond to this standard

⊘ Skip

Have we communicated our expectations for this standard clearly?

Q67 ○ Yes

○ No

If no, then please give reasons for your answer.

Q67a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q68 ○ Yes

○ No

If yes, then please give reasons for your answer.

Q68a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q69   ◯ Yes

◯ No

If yes, then please give reasons for your answer.

Q69a

Do you envisage any feasibility challenges to online services delivering this standard?

Q70   ◯ Yes

◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q70a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q71 ◯ Yes
     ◯ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q71a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q72 ◯ Yes
     ◯ No

If yes, then please provide details (including links).

Q72a

Profiling: Switch options which use profiling off by default (unless you can demonstrate a compelling reason for profiling, taking account of the best interests of the child). Only allow profiling if you have appropriate measures in place to protect the child from any harmful effects (in particular, being fed content that is detrimental to their health or wellbeing).

Q73　○ I would like to respond to this standard
　　　⊘ Skip

Have we communicated our expectations for this standard clearly?

Q74　○ Yes
　　　○ No

If no, then please give reasons for your answer.

Q74a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q75　○ Yes
　　　○ No

If yes, then please give reasons for your answer.

Q75a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q76 ○ Yes
○ No

If yes, then please give reasons for your answer.

Q76a

Do you envisage any feasibility challenges to online services delivering this standard?

Q77 ○ Yes
○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q77a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q78 ⭕ Yes

⭕ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q78a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q79 ⭕ Yes

⭕ No

If yes, then please provide details (including links).

Q79a

Nudge techniques: Do not use nudge techniques to lead or encourage children to provide unnecessary personal data, weaken or turn off privacy protections, or extend use.

Q80 ⭕ I would like to respond to this standard

✅ Skip

Q81 Have we communicated our expectations for this standard clearly?

○ Yes

○ No

Q81a If no, then please give reasons for your answer.

Q82 Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

○ Yes

○ No

Q82a If yes, then please give reasons for your answer.

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q83　　◯ Yes

　　　　◯ No

If yes, then please give reasons for your answer.

Q83a

Do you envisage any feasibility challenges to online services delivering this standard?

Q84　　◯ Yes

　　　　◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q84a

Q85

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

○ Yes
○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q85a

Q86

Do you know of any online resources that you think could be usefully linked to from this section of the code?

○ Yes
○ No

If yes, then please provide details (including links).

Q86a

Q87

Connected toys and devices: If you provide a connected toy or device ensure you include effective tools to enable compliance with this code

○ I would like to respond to this standard
⊘ Skip

Have we communicated our expectations for this standard clearly?

Q88 ○ Yes
     ○ No

If no, then please give reasons for your answer.

Q88a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q89 ○ Yes
     ○ No

If yes, then please give reasons for your answer.

Q89a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q90   ○ Yes

○ No

If yes, then please give reasons for your answer.

Q90a

Do you envisage any feasibility challenges to online services delivering this standard?

Q91   ○ Yes

○ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q91a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q92 ⭕ Yes
⭕ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q92a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q93 ⭕ Yes
⭕ No

If yes, then please provide details (including links).

Q93a

Data protection impact assessments: Undertake a DPIA specifically to assess and mitigate risks to children who are likely to access your service, taking into account differing ages, capacities and development needs. Ensure that your DPIA builds in compliance with this code.

Q94 ⭕ I would like to respond to this standard
✅ Skip

Have we communicated our expectations for this standard clearly?

Q95   ◯ Yes

     ◯ No

If no, then please give reasons for your answer.

Q95a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q96   ◯ Yes

     ◯ No

If yes, then please give reasons for your answer.

Q96a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q97　◯ Yes

　　　◯ No

If yes, then please give reasons for your answer.

Q97a

Do you envisage any feasibility challenges to online services delivering this standard?

Q98　◯ Yes

　　　◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q98a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q99 ○ Yes
○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q99a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q100 ○ Yes
○ No

If yes, then please provide details (including links).

Q100
a

Governance and accountability: Ensure you have policies and procedures in place which demonstrate how you comply with data protection obligations, including data protection training for all staff involved in the design and development of online services likely to be accessed by children. Ensure that your policies, procedures and terms of service demonstrate compliance with the provisions of this code

Q101 ◯ I would like to respond to this standard
      ✓ Skip

Have we communicated our expectations for this standard clearly?

Q102 ◯ Yes
      ◯ No

If no, then please give reasons for your answer.

Q102
a

Do you have any examples that you think could be used to illustrate the approach we are advocating to this standard?

Q103 ◯ Yes
      ◯ No

If yes, then please give reasons for your answer.

Q103
a

Do you think this standard gives rise to any unwarranted or unintended consequences?

Q104 ◯ Yes
      ◯ No

If yes, then please give reasons for your answer.

Q104
a

Do you envisage any feasibility challenges to online services delivering this standard?

Q105 ◯ Yes
      ◯ No

If yes, then please provide details of what you think the challenges are and how you think they could be overcome?

Q105
a

Do you think this standard requires a transition period of any longer than 3 months after the code comes into force?

Q106 ○ Yes
○ No

If yes, then please provide your reasons for this view, and give an indication of what you think a reasonable transition period would be and why.

Q106 a

Do you know of any online resources that you think could be usefully linked to from this section of the code?

Q107 ○ Yes
○ No

If yes, then please provide details (including links).

Q107 a

Section 3: Your views on the code sections

Is the **'Enforcement of this code'** section of the code clearly communicated?

Q108 ◯ Yes
◯ No

If no, then please provide your reasons for this view.

Q108
a

Is the **'Glossary'** section of the code clearly communicated?

Q109 ◯ Yes
◯ No

If no, then please provide your reasons for this view.

Q109
a

Are there any key terms missing from the **'Glossary'?**

Q110 ○ Yes

○ No

If yes, then please provide your reasons for this view.

Q110
a

Is the **'Annex A: Age and developmental stages'** section of the code clearly communicated?

Q111 ○ Yes

○ No

If no, then please provide your reasons for this view.

Q111
a

Is there any information that you think needs to be changed in the **Annex A: Age and developmental stages'** section of the code?

Q112 ○ Yes
○ No

If yes, then please provide your reasons for this view.

Q112 a

Do you know of any online resources that could be usefully linked to the **'Annex A: Age and developmental stages'** section of the code?

Q113 ○ Yes
○ No

If yes, then please provide details (including links).

Q113 a

Is the '**Annex B: Lawful basis for processing**' section of the code clearly communicated?

Q114
- ○ Yes
- ○ No

If no, then please provide your reasons for this view.

Q114 a

Is the '**Annex C: Data Protection Impact Assessment**' section of the code clearly communicated?

Q115
- ○ Yes
- ○ No

If no, then please provide your reasons for this view.

Q115 a

Do you think any issues raised by the code would benefit from further (post publication) work, research or innovation?

Q116 ○ Yes

○ No

If yes, then please provide your reasons for this view.

Q116
a

Section 4: About you

Are you answering as:

Q117
- ◯ A body representing the views or interests of children
- ◯ A body representing the views or interests of parents
- ◯ A child development expert
- ◯ An academic
- ◯ An individual acting in another professional capacity
- ◯ A provider of an ISS likely to be accessed by children
- ◯ A trade association representing ISS providers
- ◯ An individual acting in a private capacity (e.g. someone providing their views as a member of the public of the public or a parent)?
- ◯ An ICO employee
- ⊘ Other

Please specify:

Q117
a

Please specify:

Q117   A provider of an ISS that is not intended for use by children
b

Please state your name or if you're answering on behalf of an organisation, your organisation's name.

Q118

Thank you for responding to this consultation
We value your input.